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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/621,591 | 07/17/2003 | Gueorgui Milev Mihaylov | KIR-03-010 | 2615 |

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VIRGINIA BEACH, VA 23452

EXAMINER

PHAM, MINH CHAU THI

| ART UNIT | PAPER NUMBER |
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1724

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,591

Applicant(s)

MIHAYLOV ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komroff et al (3,635,001).

Komroff et al disclose an end of service life indicator comprising a housing member (20) having a front side and a back side and having a plurality of openings extending from the front side to the back side of the housing member (col. 2, lines 14-27), each housing opening allowing a fluid medium and particulates to pass (col. 2, lines 32-34), a filter member (14) disposed adjacent to the housing member comprising a porous solid through which fluid can pass, and a template member (10) disposed adjacent to the filter member and the template comprising a solid material being

Art Unit: 1724

impervious to fluid medium (col. 2, lines 42-73) and the template member (10) having a front side and back side with opening pattern (12) extending from the front side to the back side of template (col. 3, lines 28-37) wherein the template opening pattern is in the form of alphabetic letters "Wash Me" (see Abstract). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a template as a service life indicator as taught by Komroff et al to serve as a reminder to operator to clean and change the dirty filter due for life.

Response to Arguments

Applicant's arguments filed on November 18, 2004 have been fully considered :
but they are not persuasive.

Applicant argues that the cited prior art "Kubokawa does not discloses a template disposed adjacent to the filter member comprising a solid material that is impervious to the fluid medium and the template having opening pattern extending from the front side to the back side of the template member". The Examiner now drops the Kubokawa and newly introduces the Komroff et al as the primary reference to show an end of service life indicator comprising a housing member (20) having a front side and a back side and having a plurality of openings extending from the front side to the back side of the housing member (col. 2, lines 14-27), each housing opening allowing a fluid medium and particulates to pass (col. 2, lines 32-34), a filter member (14) disposed adjacent to the housing member comprising a porous solid through which fluid can pass, and a template member (10) disposed adjacent to the filter member and the template comprising a solid material being impervious to fluid medium (col. 2, lines 42-73) and

the template member (10) having a front side and back side with opening pattern (12) extending from the front side to the back side of template (col. 3, lines 28-37) wherein the template opening pattern is in the form of alphabetic letters "Wash Me" (see Abstract), as claimed. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a template as a service life indicator as taught by Komroff et al to serve as a reminder to operator to clean and change the dirty filter due for life.

Applicant's arguments with respect to claims 1-8 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
February 7, 2005